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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,530	01/17/2001	Robert Berliner	169-274	6423

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FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
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EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,530

Applicant(s)

BERLINER, ROBERT

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 9-16, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Crutchfield [online], December 1999 [retrieved on 2003-07-07]. Retrieved from the Internet: <URL: http://www.web.archive.org/web/*/http://www.crutchfield.com>. (referred to as Crutchfield from this point forward).

It should be noted that the asterisk “*” in the links above denote an index page, and when numerical values are given from this point forward in parentheses (xxxxxxxxxxxxxx), these replace the asterisk and indicate the exact page the examiner is referencing.

(I) As to claims 1-7, 9-10, Crutchfield discloses a method of doing business comprising:

- Providing information on a web site about the repair of various devices
(19980121231849, pg.1) (Crutchfield offers information on how to fix problems)
wherein a user can click on displayed text or graphics (19980121231849, pg.2;
19991023120722, pg.1) representing a device needing repair (any device on the
Crutchfield online catalog could possibly be a device that needs repaired or replaced),
or part thereof needing repair or replacement, whereby information about one or more
of the following items is made available to the user: (a) one or more manufacturers or
other vendors of the device (19991106063016, pg.1), (b) one or more models of the

device, and (c) one or more parts selected by the user as needing repair or replacement; and deriving revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of replacement devices or parts to the user (19991106063016, pg.1), (b) obtaining referral fees or commissions from a manufacturer or other vendor of the device or part, or (c) gathering consumer information from the user's activities on the web site.

- The displayed information (19990830150449, pg.1) is presented as a result of clicking on information about the device needing repair in the form of photographic or other illustration of the device or part (19980121231849, pg.2; 19991023120722).
- The information made available to the user is a list of manufacturers (19991106063016, pg.1).
- The user can obtain information about the part needing repair or replacement by clicking one of the manufacturers in the list (19991129004346, pg.1).
- The user is directed to a web site of the manufacturer (19991023120722, pg.1; 19990825220402, pg.1). Crutchfield provides links to manufacturer web sites.
- The web site of the manufacturer is its site home page (1999111182904, pg.1).
- The web site of the manufacturer is a site page on which information on the part is displayed (1999111182904, pg.1) (any of the parts displayed on the Yamaha website can be a part that needs repair or replacement).
- The displayed information is presented as a result of clicking on information of a part of the device needing repair or replacement in the form of photographic or other

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illustration of the part and information about one or more manufacturers or other vendors of the device part is displayed.

- The user purchases the part needing repair or replacement by clicking one of the manufacturers in the list (19991106063016, pg.1) whereby the user is directed to an order page (19991128004346, pg.1). The buy link takes users to an order page.

(II) As to claims 11-16 and 18, Crutchfield discloses an Internet web site comprising:

- A plurality of web site pages providing information as detailed above in paragraph (I). The web site pages are used to carry out the method in paragraph (I) above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crutchfield [online], December 1999 [retrieved on 2003-07-07]. Retrieved from the Internet: <URL: http://www.web.archive.org/web/*/http://www.crutchfield.com>. (referred to as Crutchfield from this point forward) in view of Bezos USPN6029141.

(III) As to claims 8 and 17 Crutchfield fails to disclose or suggest the following disclosed by Bezos:

- The web site of the manufacturer is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site (abstract).

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Bezos discloses the referral and compensation system to allow referring associates to make a commission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and web site disclosed by Crutchfield to have a referral system, as taught by Bezos, to compensate referring associates with a commission.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN5970473 to Gerszberg discloses a video communication device providing in-home catalog services.

USPN6072481 to Matsushita discloses an electronic catalog data creating and/or displaying apparatus and method.

USPN6141006 to Knowlton discloses methods for executing commercial transactions in a network system using visual link objects.

USPN6275989 to Broadwin discloses an interactive television system and method for displaying web-like stills with hyperlinks.

USPN6334111 to Carrott discloses a method for allocating commissions over the Internet using tags.

USPN6360216 to Hennessey discloses a method and apparatus for interactive sourcing and specifying of products having desired attributes and/or functionalities.

USPN6381510 to Amidhozour discloses methods and apparatus for facilitating electronic commerce in area rugs.

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RepairClinic [online], November 1999 [retrieved on 2003-07-07]. Retrieved from the Internet: <URL: http://www.web.archive.org/web/*/http://www.repairclinic.com>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH
July 8, 2003



WILLIAM MILLER
PRIMARY